

MMP Report – User Information

General Discussion

This MMP Report addresses MMPs associated with [Water Code](#) sections 13385(h), 13385.1(a)(1), 13385(i)(1)(a), and 13385(i)(1)(d). That is, chronic effluent and serious violations.

To be considered an MMP or a supporting MMP violation, the related program type must be:

- NPDES
- Construction Stormwater
- Industrial Stormwater
- Municipal Storm water phase I
- Municipal Storm water phase II

Because these regulations came into effect on January 1, 2000, only violations with **occurrence dates greater than or equal to January 1, 2000** will be considered.

On January 1, 2006, the regulations for MMPs were amended to include enrollees under general permits. For this reason, violations with an occurrence date **before** January 1, 2006 cannot be related to a regulatory measure with the type of enrollee (or child of enrollee). However, if the occurrence date is greater than or equal to January 1, 2006, the regulatory measure type can be enrollee.

Records that contain an MMP exemption reason are excluded in the MMP count.

Violations that have a responsible party with the organization classification of federal must be excluded.¹

There are two types of violations that relate to MMPs:

1. Late Reporting Violations
2. Effluent Violations

Late Report Violations

Every 30 days a report is late counts as a serious MMP violation (i.e. worth \$3,000 and should be listed on the MMP report within the Late Reporting MMPs section).

¹ The report should build in this logic and for the time being users should select the exemption reason of “federal facility.” This provides back up if there are data issues. Additionally, at some point, the report can rely on the built-in logic and users will not also have to select the exemption reason.

Violation Type = (Reporting -> Late Report) AND Serious box checked²

Business Rule!! To flag a Reporting MMP, the user must check the serious box in the violation module and the violation type must be a child of reporting.

Effluent Violations

- a. Chronic Toxicity Violations – To be counted as a chronic toxicity violation, there must be 3 preceding qualifying toxicity violations within 180 days. The fourth qualifying toxicity violation is worth \$3,000 and should be listed on the MMP report within the Effluent MMPs section and the supporting violations (and other qualifying violations within 180 days should be shown on a drill down report).
 - i. Violation Type = (ATOX or CTOX) AND Subject to MMP box is checked

Business Rule!! To flag a toxic effluent MMP the user must check the “Otherwise subject to MMP chronic count” box in the violation Module when the violation is for an effluent limitation contained in the permit, but the permit doesn’t have a pollutant-specific limitation for toxic pollutants (i.e. the priority pollutants listed in the California Toxics Rule).

- b. CAT1, CAT2, and OEV violations
 - i. Serious –each serious CAT1 or CAT2 violation is an MMP (ie worth \$3,000 and should be listed on the MMP report within the Effluent MMPs section)
 - ii. Violation Type = (Cat1 or Cat2) AND Serious box is checked¹

Business Rule!! To flag this type of MMP, the user must check serious box if the results exceed a limit of a CAT1 pollutant by 40% or a limit of a CAT2 pollutant by 20%

- c. Chronic CAT1, CAT2 or OEV– To be counted as an MMP, there must be 3 preceding qualifying violations. The fourth qualifying violation is worth \$3,000 and should be listed on the MMP report within the Effluent MMPs section and the supporting violations (and other qualifying violations within 180 days should be shown on a drill down report).
 - i. Violation Type = (OEV, Cat1 or Cat2)

² Until the logic that links the Subject to MMP box and the serious box is removed, both must be checked. After the logic is removed, only the serious box must be checked.

Business Rule!! To flag a chronic effluent MMP, the user must make sure the correct violation type is selected from the drop down menu. The report logic will account for 180 days count.

- d. The count of qualifying toxicity violations is separate from the count of OEV, Cat1, and Cat2 violations.

Example: If a facility had has a non-serious OEV violation the first day, a non-serious Cat1 violation the second day, a non-serious Cat 2 violation the third day, a Ctox violation with the subject to mmp box checked the fourth day, and then no other violations for 180 days, no MMPs would result.

- e. You can't get fined \$3,000 for the same violation more than once (i.e. a serious violation cannot also be your 4th chronic violation, but the serious can be a supporting violation for your chronic MMP).

Example: If a facility had no violations for 175 days and then there was one non-serious violation on the 176th day, one non-serious violation on the 177th day, one non-serious violation of the 178th day, then a serious violation on the 179th day and no violations on the 180th day, one MMP would result for the one serious violation.

If the serious violation occurred on the 176th day instead of the 179th day, two MMPs would result, one for the serious and one for the chronic.

- f. If multiple violations happen on the same day, the chronic violation(s) should be considered first

Example: If a facility had four violations in one day: one serious and three chronic, the chronics (i.e. non-serious) should be counted first. Because there are not three chronic violations preceding a chronic (only three in total), this situation would result in one MMP for the serious violation.

Additional Information about the report

- When performing a count of enforcements in response to a violation, only the following Reg Meas Types are considered:
 - Admin Civil Liability
 - Settlement - Court Order
 - Expedited Payment Letter

- When performing a count of enforcements in response to a violation, the Reg Meas status must be one of the following:
 - Active
 - Historical
- When performing a count of enforcements in response to a violation, the relationship of the Regulatory Measure to the Violation must be of type “Enforcement Action for.”
- To be considered for Serious or Chronic counts, the violation must be related to a party with the relationship type of “Responsible Party.”
- The “Responsible Party” party related to the violation must **not** have a classification of “Federal Agency”.
- To be considered for Serious or Chronic counts, the violation must be related to a place with relationship type of “Originating.”

The following criteria will prevent a violation from being counted:

- The “Originating” place related to the violation must belong to a valid region.
- The current violation status type must not contain the word “Dismiss” (i.e. “Allegation Dismiss” and “Dismissed” violations)

Important notice!! Be aware that eSMR may not use the correct violation type. In addition to validating an eSMR generated violation, users may have to change the violation type, and check the serious box if applicable.